Previous references.

65 217 – 10 ; 1-2

and 2

(Courts

File No. 313 – 12

Serial Nos. 1 3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 3

Part B. for August 13

SUBJECT.

Refund Bill in favour of S K. Chenna Krishna Iyer

Table of Contents

1) From the Dist magte, Mysore no 656 Dt 13/14 5. 13
forwards a refund bill for Rs 3/- being the warrant batta deposited by one Chenna Krishna Iyer and requests sanction for the refund of the amount, as the warrant having been returned unexecuted, the depositor desires the refund of the amount

2) To The Comptroller & the Dist magte, Mysore Dt
No J 3923 – 4 Dt 25. 6. 13
Sanctions the bill recd with 81 & forwards it to the Comptroller.

G. R. S. 58

3) To Dt magte of Db, Regr Co-op Soc and Comptroller
No J 588 – 97 Dt 19. 8. 13
Directs that sums received for expenses of executing warrants issued in Br India under Breach of contract Act – shd be credited in the Treasury as Deposits and

3293

G.R.S. 11 1912-13

GENERAL AND REVENUE SECRETARIAT

Courts

NOTES.

File No. 313 of 1912-13

FILE HEADING.

Refuses bill in favour of S.R. Chennakrishna Iyer.

From

The District Magistrate, Mysore

No. 656 Dated 13/14.5.13 Received 15.5.13

Diary No. J3293 | Enclos. 1/- Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a refund bill for Rs 3/- being the w
alla deposited by one Chennakrishna Iyer and requests Sanc
for the refund of the amount, as the warrant having been
returned unexecuted, the depositor desires the refund of the
amount.

NOTES AND ORDERS.

Subd with a draft Sanction

KG-129 CW 27/5

26.V.13 1st Cr SDL 27/5

2 I cannot understand this being sent
up as much as there is no ordinary case.

NOTES—First Sheet.

PB—30,000—12-8-11

R. S. 12]

General and Revenue Secretariat.

~~65~~ File No. 313 of 1912-13

Serial No.

What is 3 Rs referred to? Is it process fees? If so why refund merely because ~~it was~~ process was not executed.

3 If it was of the nature of a deposit, why shd. this re-payment be sanctioned by Govt.— Put up all the references & ~~sent~~ up with explanation please.

29/8/13

4/6 4/6 4/6

Bmj ut

This amount of Rs 3 was sent to the Anildar. Magle Chamarajnagar for the ~~Subd~~ execution of a warrant against an accused under Act XIII of 1859

4/6

Flag S

4 From para 4 of the Chief Comm letter no. 5825-135, dt 28th Oct 1878, it is seen that the sum of Rs 7/- originally levied was intended to meet the cost of batta and escort involved in the removal of prisoners from Mysore to the nearest British Station & in para 3 of G.O. no. 8761-Jud 12, dt the 21st Jan 1913, it is expressly stated that this sum was

P.T.O.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat. | 65 File No. 313 of 1912-13

Serial No.

intended to provide food and escort to prisoners.

Page 2 of flag $ Subsequently in notfn no. 342, dy 26th March 1884 this ~~sum~~ fee was reduced to Rs 3/-. It will thus be seen that the sum of Rs 3/- referred

— 3 of do to in para 2 of these rules ~~was~~ does not seem to be process fee. This sum is stated in G.O. no. 13996-14004-J1707 dy 12.6.99 to defray all charges incurred within Mysore.

5) According to article 257 & 258 of the Civil Account Code-Vol I- this amount should have been treated as a deposit in which case the repayment could have been made by the Court itself by means of a cheque. The amount not having been so treated and having been finally credited to the Treasury under "Law & Justice", the Dist. Magistrate has approached Govt for sanction of refund.

Vide Try certificate on flag V

Paper under disposal flag 3

6) From Court file 217 of 1910 it will be seen that similar sums have been refunded ~~though in that case they happened to be double payments~~.

But this question was not raised & answered duly 6/6

KG-129-SW 9/6

A copy of the Breach of Contract Act is also putup. 7/6/1913

7) The amount in question does not actually represent process fee. It is intended to cover all charges incurred within Mysore, while executing

NOTE—Contn. sheet.

[GPB—65,000—17-6-12.

General and Revenue Secretariat.

CJ File No. 313 of 1912-3

Serial No.

the warrant for the arrest of an accused person. There is no reason why it should not be repaid, if the warrant was not at all executed.

8) It is another question whether it should not have been treated as a deposit. But having been finally credited to Govt. under 'Law & Justice', the refund has to be made under the sanction of Govt., if the party applies for it. Hence the refund bill may kindly be approved.

Dy Secy) 9.6.13.

draft sanctioning the

9) The amount is intended for food & cost of the arrested person. There was no arrest in this case & hence no cost was incurred out of Rs 3 paid into the Treasury. Hence the claim for refund.

10) The G.O. of 12th June 99 does not, however, provide for refund. On the contrary, the amount (under para 2, last sentence of the order) may be viewed as reserved for a second or succeeding warrant for the arrest of the same person. Dues of Clerk 1st Comparer) SM 10/6

11) Draft appr. After is —

NOTE—Contn. sheet.

GPB—35,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat. | File No. 313 of 1912-13.

Serial No.

H Dept^t

See, Consult ~~Compt~~ as to whether it is necessary to order these Sums to be taken as deposits & then to credit them to Govt only after the service required has been rendered. Perhaps there is no harm in letting matters alone, as only a very few cases will come up for refund.

22/6/13

Secy 23/6

12 Issue & submit file & being reports to Br II

Chh recpt

SN 23/6

2

SD 23/6

To The Comptl & the Dist Supts, Nagpur &c.

No J 3923-4 dy 25-6-13

Sanction is the file read with SI & forward it to the Comptl

P.T.O

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | File No. 3/3 of 1912-13

Serial No.

13. Subd. Nil. Maybe referred to Br II for opinion on the question raised by the 1st Councillor in para 11 of these notes.

Kg. - 129 CW

28/6/13 — 14) Br II) S.P.R. 28/6

H Cross 15-32 28/6

15) Kind attention is respectfully invited to Art 261, C.A.C. Vol I. Section 532 of the Treasury Manual & 536.(i) and the rule of practice No 129 & 22nd October 1906 issued by the Chief Court. (vide appendix M of the Treasury Manual).

16) Section 532 of the Treasury Manual clearly indicates the procedure adopted in regard of judicial deposits.

17) With reference to 1st Councillor's query in para 11 supra: "Whether it is necessary to order these sums to be taken as deposits and then to credit them to Govt only after the service required has been rendered." it has to be noted that pre-payments for services have to be required to be done by Govt and the Wazir (536(i)) could Keep nothing beyond the amount of his security amount. Every payment in the Treasury has to be credited to Govt in the accounts and disbursements could only take place under orders of refund by the proper authority.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

3293

7

H-M 1533

Serial No.

Submitted

11/7 Ag 36 Ord. 16) Have Cr Cts a Nazir and do they keep a Cash book like the Civil Ct Nazir. Please furnish the Offices cited in the Appendix of Resolution Early

13.7.13.

Br III)

19) Subd. Criminal courts do not appear to have no separate functionary called the nazir but the work of a nazir is being done by one of the officials of the court. A Cash book is nevertheless maintained in Cr courts.

Kq - 129 SN 16/3

14.7.13

Br II

Subd Ord

15/7 20) It would be simpler to have all amounts credited in the same as deposits & that either a refund or an expenditure may be made on a Court Cheque. If items are credited to Trial Ks for alone Can pass a refund. To credit to deposits has another saving feature in all amounts in Excess of the deposit of the Nazir is to come in the Treasury under a head of account Early

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

do File No. 313 of 1912-3

Serial No.

Operate upon [illegible] with [illegible] safeguards [illegible] at the same time prevent [illegible] Comment upon [illegible] for a refund

K
16.7.13

Draft

21) Submd. for order
SPR
17/7/13

22) Perhaps the Chief Court may be consulted
Dr Secy
SPR
17/7

23) With reference to para 11 — Draft as now
1st amended
17/7 SPR 17/7

24) I do not think it necessary to consult the Ch. Ct in this simple acct matter.

25) The amounts may be ordered to be credited as deposits & finally charged after the service is made.

28/7/13

Draft/order
29/7
SPR
29/7

26) Draft/order
29/7

R.T.O.

NOTE—Contn. sheet.

GPB—20,000—20-1-12

[R. S. 12]

General and Revenue Secretariat.

CS File No. 313 of 1912-13

Serial No.

27) A general order is reqd for approval & issue order.

KG.-129 MM.
9/8/13

Dy Secy 11/8
1st Councillor) With reference to para 25. Dy Secy 11/8

Draft altered and approved by 1st Councillor

12/8/13

13/8

Dy 13/8

29) Please fill up the No & date of G.O. in the draft put up & then issue

13/8

30) No & date of the G.O. referred to inserted. 13/8

KG.-129
14/8/13 MM.

3 To Dt Magte of Dists, Registrar, Ch Court and Comptroller Nof 588-97 Ds 19-8-13

Directs that sums received for expense of executing warrants issued in Br India under Breach of Contract Act - should be credited in the Treasury as Deposits and finally charged after the Service is made

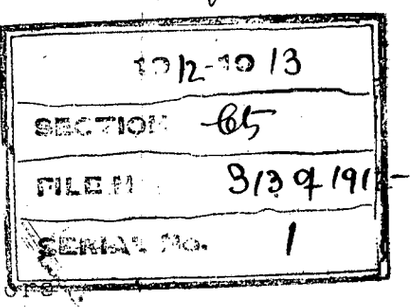
NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Office of the District Magistrate of

Mysore dated 13th May 1913.

14 DIARY No. J.3293.



From

A. Subramanya Iyer Esquire B. A.

District Magistrate of Mysore.

To

K. R. Srinivasa Iyengar Esquire M. A.

Secretary to the Government of Mysore,

Genl and Rev. Departments.

Sir:

I have the honor to state that a sum of Rs.2/ was received in the Chamarajanagar Taluk Treasury on account of warrant batta for the arrest of one Chikkamathav accused in criminal case No. 62/13 on the file of 2nd class magistrate of Gudalur and the amount was credited to Law and Justice on 24.2.13. The warrant having been eventually returned unexecuted (vide Police Daffedar's report No. dated 26th March 1917) the party who had deposited the batta desires the refund of the amount. (vide P. Chennakrishnier's letter dated 18.2.13) Hence the enclosed refund bill is submitted for favour of sanction.

The connected papers accompany.

I have the honor to be

sir

your most obedient servant

Deputy Commissioner

Mysore District.

III
15/54 1913

From The Deputy Commissioner
Mysore District.

To The Secretary to the Government
of Mysore
Fisheries & Revenue Depts.

Dated 13th May 1913 Bangalore

Despatched 14th

Received

General No. 656
No.

Enclosure No. 1 file.

Submit Refund Bill for Rs 3/-
in favour of P. Chamakrishna
Iyer.

1 1/2 Sanction to refund the

25/6/13

G.R.S. 28.]

~~Cl~~ File No. 313 of 1912
-13
Serial No.,

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

Paper under Disposal

, the 19

Date of issue 25.6.13

Signed by Mr S.P. Rajagopalachar

READ--

Letter No. 656 dt the 13th May 1913, from the Dist. Supte. of Mysore, forwarding a refund bill for Rs 3/- being the warrant balla deposited by one S.R. Channakishnaiyer and credited to the taluk treasury at

ORDER THEREON.--Nos.

Chamarajnagar under Law & Justice and requesting sanction for the refund of the amount as the warrant having been returned unexecuted, the party desires the refund

P.T.O. over.

104 draft

G.R.S. 28.] 158 Re execn of warrants Batta

15 File No. 313 of 1912-13

Serial No. 3

Diary No. of letter replied to:

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

19

Date of issue 19-8-13

Signed by M K R Srinivasa Iyengar

ORDER ~~THEREON.~~ No. R 2 28-97

Too long. Is it not sufficient to pass the order without giving reasons?

Instances have come to notice of Govt in which sums received for the execution of warrants issued by Magistrals in British territory have been at once finally credited to the

I. T. over

~~Please refer to~~ It has come to the notice of Govt that sums received under Govt No 13996-1004 & J 1707 dy 12-6-99 for ~~execut~~ expense of executing warrants issued in By India under the Br. of Contr. Act are at present being credited to Govt ~~at once~~ as they are received. As this practice is incorrect it is ordered that such

SUBJECT.

1

Treasury under "Law & Justice" irrespective of the due service of the warrant. This practice necessitates the payment of Govt in each case for refund of the amount where the warrants are unexecuted and the parties depositing the amount apply for repmt.

2. With a view to minimise correspondence, Dist Magistrates are requested to instruct the subordinate magistrates to have all such amounts credited in the Treasury as deposits and finally charged after the service is made.

12/8

May this be printed?

Yes
SM

For Secy to Govt 11/8

To The Dt Magte of Distz
The Registrar, Chief Court
The Comptroller, Mysore Govt

Mg.-129
11/8/13

Ed. file